

**Amendments to the Drawings:**

Please replace FIGS. 1-13C with the replacement drawing included in the Appendix. Applicants submit that the amended FIGS. 1-13C are fully supported in the original disclosure by the originally submitted FIGS. 1-13C, and that no new matter has been added. As amended, FIGS. 1-13C have been corrected to more clearly convey the invention. Specifically, photocopied elements of FIGS. 1 and 3 have been replaced with drawn elements. Furthermore, hand written titles and reference numbers have been replaced with typed text.

## **REMARKS**

Applicants thank the Examiner for finding claims 3-8, 12, 27-32 and 36 to be allowable if rewritten in independent form. Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. No claims have been amended. No claims have been canceled. No claims have been added. Thus, claims 1-52 are pending.

### **35 U.S.C. §102 Rejections**

#### **35 U.S.C. §102(e) Rejection over *Joist***

The Office Action rejects claims 1-2, 9-11, 13-21, 25, 26, 33-35, 37-45 and 47-52 under 35 U.S.C. §102(e) as being anticipated by *Joist*, USPN 6,916,190 (*hereinafter "Joist"*). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, wherein the identical invention is shown in as complete detail as is contained in the claim. *See* M.P.E.P. §2131. The Office Action alleges that *Joist* discloses, *inter alia*, a lock mechanism movable between a locked position and an unlocked position, wherein the lock mechanism, when in the locked position, engages the release mechanism to prevent actuation of the release mechanism. Applicants traverse the above rejection for at least the following reasons.

The above rejected claims include independent claims 1, 25 and 47. Independent claim 1 states in a salient portion (emphasis added):

**"...a lock mechanism disposed in the ejector handle and movable between a locked position and an unlocked position, wherein the lock mechanism, when in the locked position, engages the release mechanism to prevent actuation of the release mechanism."**

Each of current claims 25 and 47 recites similar claim limitations. Applicants respectfully submit that each of rejected claims 1-2, 9-11, 13-21, 25, 26, 33-35, 37-45 and

47-52 is not anticipated by *Joist*, based at least on the failure of the reference to teach one or more limitations in each of independent claims 1, 25 and 47. More particularly, *Joist* fails to disclose the variously-recited lock mechanism disposed in an ejector handle and movable between a locked position and an unlocked position, wherein the lock mechanism, when in the locked position, engages the release mechanism to prevent actuation of the release mechanism.

Applicants note that the claimed lock mechanism is movable between a locked position and an unlocked position, and that when in the locked position, the lock mechanism **engages** a release mechanism to **prevent an actuation** of the release mechanism which would otherwise allow movement of the ejector handle toward a second position. By contrast, *Joist* **fails** to describe any way of engaging and/or preventing actuation of any release mechanism. *Joist* describes a plug-in module to be plugged in and/or pulled out of a module rack, comprising a lever pull 6 with handle arm 7, a lever arm 8, an activation arm 10, a detent 11, a detent nose 12 and an activation element 17. *See*, e.g., Abstract and col. 5, line 55 through col. 6, line 30. In rejecting the claim, the Office Action alleges that activation arm 10, detent 11 and activation element 17 anticipate the release mechanism of the claims, while activation arm 10, detent 11 and detent nose 12 anticipate the lock mechanism of the claims. The Office Action further alleges that the alleged lock mechanism anticipated by activation arm 10, detent 11 and detent nose 12 is disclosed in *Joist* as being “movable between a **locked position (see figure 1a)** and an **unlocked position (see figure 1a)**” (emphasis added).

First, Applicants are confused as to how FIG. 1a could possibly disclose **both** a locked position and an unlocked position of a lock mechanism, as alleged in the Office Action. Second, Applicants are confused as to how the combination of elements 10, 11 and 17 in *Joist* could possibly engage with and prevent an actuation of the combination of elements 10, 11 and 12 in *Joist*. As Applicants understand *Joist*, elements 10 and 11 are **not** disclosed as preventing actuation of **themselves** in any way, and activation element 17 is disclosed as moving with detent nose 12 as an extension onto the locking tab 13. *See*, e.g., FIGS. 1a and 1b and col. 7, line 30-32. Therefore, elements 10, 11, 12 and 17

all move **together** in unison as lever pull 6 is pivoted out in the direction of the arrow shown in FIG. 1b. *See*, e.g., col. 6, lines 31-33. In other words, **nothing** in *Joist* prevents a user from freely moving elements 10, 11, 12 and 17 – particularly not elements 10, 11, 12 and 17 themselves – so as to begin moving the plug-in module from the configuration shown in FIG. 1a to that shown in FIG. 1b.

For at least the foregoing reasons, *Joist* **fails** to disclose a lock mechanism which **engages** and **prevents the actuation** of the release mechanism which would otherwise allow movement of an ejector handle toward a position wherein the ejector handle can be removed from a rack, as variously recited in each of independent claims 1, 25 and 47. In depending directly or indirectly from one of these independent claims, each of dependent claims 2, 9-11, 13-21, 26, 33-35, 37-45 and 48-52 incorporates at least one limitation not taught by the reference. Therefore, Applicants request that the above 35 U.S.C. §102(c) rejection of claims 1-2, 9-11, 13-21, 25, 26, 33-35, 37-45 and 47-52 based on *Joist* be withdrawn.

### 35 U.S.C. §103 Rejections

#### **35 U.S.C. §103(a) Rejection over *Joist* and *Tollbom***

The Office Action rejects claims 22-24, 46 under §103(a) as being obvious in light of *Joist*, USPN 6,916,190 ("*Joist*") in view of *Tollbom*, USPN 5,793,614 ("*Tollbom*"). In rejecting the above claims, the Office Action relies in part on the previously-discussed 35 U.S.C. §102(c) rejection of claims 1 and 25. *Tollbom* is further alleged to disclose a biasing compression spring, molded plastic components, and snap-fit assembly. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P. § 2143.03. Applicants traverse the above rejection for at least the following reasons.

As discussed previously, *Joist* fails to disclose at least one limitation in each of claims 1 and 25, e.g. a lock mechanism which **engages** and **prevents the actuation** of the release mechanism which would otherwise allow movement of an ejector handle toward a

position wherein the ejector handle can be removed from a rack. In rejecting the above claims, the Office Action fails to offer any new basis for some combination of *Joist* and *Tollbom* teaching or suggesting this limitation. Applicants respectfully submit that no combination of *Joist* and *Tollbom* teaches or suggests the claimed lock mechanism which **engages and prevents the actuation** of the claimed release mechanism. Therefore each of claims 1 and 25 contains at least one limitation which is non-obvious in light of *Joist* and *Tollbom*. If independent claims 1 and 25 are non-obvious under 35 U.S.C. §103, then any claim depending therefrom – e.g. claims 22-24 and 46, are also non-obvious. See M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 22-24 and 46 based on *Joist* and *Tollbom* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-52 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: 6/14/2007                      /Dermot G. Miller/  
Dermot G. Miller  
Attorney for Applicants  
Reg. No. 58,309

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 439-8778

**Appendix:**

Please refer to the replacement drawings for FIGS. 1-13C, attached hereafter.